

**LAW OFFICES OF SUSAN N. PERSAUD & ASSOCIATES, PLLC**

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Via: ECF

July 21, 2020

Hon. Sandra J. Feuerstein  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

*Re: Javier Monge v. 405 Hotel, LLC*  
Docket No.: 19-CV-0451 (SJF)

Dear Judge Feuerstein:

This office represents Defendant, 405 HOTEL, LLC, in the above-referenced matter. Defendant respectfully submits this letter in response to Plaintiff's letter filed on July 20, 2020 by Jennifer Tucek, counsel for Plaintiff requesting that the Court find that Defendant has not timely opposed Plaintiff's Motion to Amend. Ms. Tucek is simply incorrect. On June 22, 2020, Defendant sought an extension of time to file its Motion to Dismiss *and* Opposition to Plaintiff's Motion to Amend. See ECF Document No.: 29. Plaintiff filed an opposition to such request on the same date. On June 23, 2020, Your Honor issued an order granting Defendant's request, and stated the following: "[t]he time for defendant to *serve a response to plaintiff's motion* to amend and a motion to dismiss is extended to 7/23/2020." (emphasis added).

Accordingly, Defendant is prepared to file its Motion to Dismiss and Opposition to Plaintiff's Motion to Amend on or before July 23, 2020, as the Court ordered. Plaintiff's letter relies on the order issued on July 2, 2020, which directed plaintiff to serve its amended complaint by 7/17/2020 and directed Defendant to serve a response within 15 days of service, but no later than 8/3/2020. Plaintiff misinterprets this order to suggest that as a result of Plaintiff's earlier filing of the Motion to Amend, Defendant has defaulted and the Court's prior order granting Defendant's request for an extension to file its Motion and Opposition is no longer binding. Plaintiff's counsel is engaging in wasteful behavior of judicial resources by her continuous filings of unnecessary letters.

Defendant is currently prepared to file both its Motion to Dismiss and its Opposition to Plaintiff's Motion to Amend on or before July 23, 2020, as ordered by the Court on June 23, 2020. Defendant has not been made aware that this ruling was reversed or no longer binding and as such has operated with the understanding that such ruling issued on June 23, 2020 remained in effect.

Defendant respectfully requests this Court to reject and not consider Ms. Tucek's letter filed on July 20, 2020, ECF Document No.: 34, and honor its previous ruling with respect to the Motion briefing schedule that was issued on June 23, 2020.

Thank you for the Court's time and consideration.

Respectfully submitted,

/s/ Susan N. Persaud, Esq.

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By: Susan N. Persaud, Esq.

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cc: Jennifer Tucek, Esq. (via ECF)  
*Attorney for Plaintiff*